

AMENDED IN SENATE MARCH 29, 2011

AMENDED IN SENATE MARCH 14, 2011

SENATE BILL

No. 245

Introduced by Senator Rubio

February 10, 2011

~~An act to amend Section 13113.7 of the~~ *An act to amend Section 18029.6 of the Health and Safety Code, relating to smoke detectors.*

LEGISLATIVE COUNSEL'S DIGEST

SB 245, as amended, Rubio. Smoke detectors: mobilehomes, manufactured homes, and commercial modulars.

The Mobilehomes-Manufactured Housing Act of 1980 requires the Department of Housing and Community Development to enforce various laws pertaining to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, special purpose commercial coach, or commercial coach. Under existing law, a knowing violation of the act, as specified, is punishable as a misdemeanor offense.

The act requires that on or after January 1, 2009, all used manufactured homes, used mobilehomes, and used multifamily manufactured homes that are sold have a smoke alarm installed in each room for sleeping that is operable on the date of transfer of the title. Existing law also requires that for manufactured homes and multifamily manufactured homes manufactured on or after September 16, 2002, each smoke alarm comply with the federal Manufactured Housing Construction and Safety Standards Act.

This bill would require that on or after July 1, 2012, all used manufactured homes, mobilehomes, and multifamily manufactured homes have a smoke alarm installed in each room designed for sleeping.

The bill would additionally impose new requirements and specifications for manufactured homes, including those that are new and used, manufactured at specified times, and for mobilehomes and multifamily manufactured homes, manufactured at any time.

~~Existing law requires a smoke detector approved and listed by the State Fire Marshal to be installed in each dwelling unit intended for human occupancy, as defined. A violation of those provisions is an infraction punishable by a maximum fine of \$200 for each offense.~~

~~This bill would revise the definition of “dwelling unit intended for human occupancy” to include mobilehomes, manufactured homes, and commercial modulars, as defined, and would require smoke detectors to be installed in those dwellings. The bill would also make clarifying, nonsubstantive changes.~~

By expanding the scope of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18029.6 of the Health and Safety Code
2 is amended to read:
3 18029.6. (a) (1) On or after January 1, 2009, all used
4 manufactured homes, used mobilehomes, and used multifamily
5 manufactured homes that are sold shall have a smoke alarm
6 installed in each room designed for sleeping that is operable on
7 the date of transfer of title. For manufactured homes and
8 multifamily manufactured homes manufactured on or after
9 September 16, 2002, each smoke alarm shall comply with the
10 federal Manufactured Housing Construction and Safety Standards
11 Act. For manufactured homes and multifamily manufactured homes
12 manufactured before September 16, 2002, each smoke alarm shall
13 be installed in accordance with the terms of its listing and
14 installation requirements, and battery-powered smoke alarms shall

1 be acceptable for use when installed in accordance with the terms
2 of their listing and installation requirements.

3 (2) For manufactured homes and multifamily manufactured
4 homes manufactured before September 16, 2002, the smoke alarm
5 manufacturer's information describing the operation, method and
6 frequency of testing, and proper maintenance of the smoke alarm
7 shall be provided to the purchaser for any smoke alarm installed
8 pursuant to paragraph (1).

9 (b) On or after January 1, 2009, the requirements of subdivision
10 (a) shall be satisfied if, within 45 days prior to the date of transfer
11 of title, the transferor signs a declaration stating that each smoke
12 alarm in the manufactured home, mobilehome, or multifamily
13 manufactured home is installed pursuant to subdivision (a) and is
14 operable on the date the declaration is signed.

15 (c) The department may promulgate rules and regulations to
16 clarify or implement this section.

17 (d) For sales of manufactured homes or mobilehomes installed
18 on real property pursuant to subdivision (a) of Section 18551, as
19 to real estate agents licensed pursuant to Division 4 (commencing
20 with Section 10000) of the Business and Professions Code, the
21 real estate licensee liability provisions of subdivisions (e), (f), and
22 (g) of Section 13113.8 shall apply to the disclosures required by
23 this section.

24 (e) *On or after July 1, 2012, all used manufactured homes,*
25 *mobilehomes, and multifamily manufactured homes shall have a*
26 *smoke alarm installed in each room designed for sleeping. For*
27 *new and used manufactured homes manufactured on or after*
28 *September 16, 2002, each smoke alarm shall comply with the*
29 *federal Manufactured Housing Construction and Safety Standards*
30 *Act. For manufactured homes manufactured before September 16,*
31 *2002, and for mobilehomes and multifamily manufactured homes*
32 *manufactured at any time, each smoke alarm shall be installed in*
33 *accordance with the terms of its listing and installation*
34 *requirements, and battery-powered smoke alarms shall be*
35 *acceptable for use when installed in accordance with the terms of*
36 *their listing and installation requirements.*

37 ~~SECTION 1. Section 13113.7 of the Health and Safety Code~~
38 ~~is amended to read:~~

39 ~~13113.7. (a) Except as otherwise provided in this section, a~~
40 ~~smoke detector, approved and listed by the State Fire Marshal~~

1 pursuant to Section 13114, shall be installed in accordance with
2 the manufacturer's instructions in each dwelling unit intended for
3 human occupancy within the earliest applicable time period as
4 follows:

5 (1) For all dwelling units intended for human occupancy, except
6 for mobilehomes, manufactured homes, and commercial modulars,
7 upon the owner's application on or after January 1, 1985, for a
8 permit for alterations, repairs, or additions, exceeding one thousand
9 dollars (\$1,000):

10 (2) For all other dwelling units intended for human occupancy,
11 except for mobilehomes, manufactured homes, and commercial
12 modulars, on or after January 1, 1987:

13 (3) For mobilehomes, manufactured homes, and commercial
14 modulars, on or after January 1, 2012:

15 (b) If any local rule, regulation, or ordinance, adopted prior to
16 the compliance dates specified in subdivision (a) requires
17 installation of a smoke detector in a dwelling unit intended for
18 human occupancy that is subject to this section and that receives
19 power from the electrical system of the building, and if the
20 compliance date specified in the local rule, regulation, or ordinance
21 is subsequent to the dates specified in subdivision (a), the
22 compliance date specified in the rule, regulation, or ordinance shall
23 take precedence over the dates specified in subdivision (a):

24 (c) The State Fire Marshal may adopt regulations to exempt
25 dwelling units intended for human occupancy with fire sprinkler
26 systems from the provisions of this section, if he or she determines
27 that a smoke detector is not reasonably necessary for fire safety
28 in the occupancy:

29 (d) Unless prohibited by local rules, regulations, or ordinances,
30 a battery-operated smoke detector that otherwise meets the
31 standards adopted pursuant to Section 13114 for smoke detectors,
32 satisfies the requirements of this section:

33 (e) (1) "Dwelling unit intended for human occupancy," as used
34 in this section, includes a duplex, lodging house, apartment
35 complex, hotel, motel, condominium, stock cooperative, time-share
36 project, dwelling unit of a multiple-unit dwelling complex,
37 commercial modular, manufactured home, or mobilehome:

38 (2) For purposes of this part, the following definitions apply:

39 (A) "Commercial modular" shall have the same meaning as
40 defined in Section 18001.8:

1 ~~(B) “Manufactured home” shall have the same meaning as~~
2 ~~defined in Section 18007.~~

3 ~~(C) “Mobilehome” shall have the same meaning as defined in~~
4 ~~Section 18008.~~

5 ~~(f) The owner of each dwelling unit subject to this section shall~~
6 ~~supply and install smoke detectors required by this section in the~~
7 ~~locations and in the manner set forth in the manufacturer’s~~
8 ~~instructions, as approved by the State Fire Marshal’s regulations.~~
9 ~~For apartment complexes and other multiple dwelling complexes,~~
10 ~~a smoke detector shall be installed in the common stairwells. All~~
11 ~~fire alarm warning systems supplemental to the smoke detector~~
12 ~~also shall be listed by the State Fire Marshal.~~

13 ~~(g) A high rise structure, as defined in subdivision (b) of Section~~
14 ~~13210, that is used for purposes other than as a dwelling unit~~
15 ~~intended for human occupancy is exempt from the requirements~~
16 ~~of this section.~~

17 ~~(h) The owner shall be responsible for testing and maintaining~~
18 ~~detectors in hotels, motels, lodging houses, common stairwells of~~
19 ~~apartment complexes, and other multiple dwelling complexes.~~

20 ~~(i) An owner or the owner’s agent may enter a dwelling unit,~~
21 ~~efficiency dwelling unit, guest room, or suite to install, repair, test,~~
22 ~~or maintain a single station smoke detector required by this section.~~
23 ~~Except in cases of emergency, the owner or owner’s agent shall~~
24 ~~give the tenant of the unit, room, or suite reasonable notice, in~~
25 ~~writing, of the intention to enter, and shall enter only during normal~~
26 ~~business hours. Twenty-four hours shall be presumed to be~~
27 ~~reasonable notice in the absence of evidence to the contrary.~~

28 ~~(j) A smoke detector shall be operable when a tenant takes~~
29 ~~possession. An apartment complex tenant shall be responsible for~~
30 ~~notifying the manager or owner if the tenant becomes aware of an~~
31 ~~inoperable smoke detector within his or her unit. The owner or~~
32 ~~authorized agent shall correct any reported deficiencies in the~~
33 ~~smoke detector, and shall not be in violation of this section for a~~
34 ~~deficient smoke detector when he or she has not received notice~~
35 ~~of the deficiency.~~

36 ~~(k) A violation of this section is an infraction punishable by a~~
37 ~~maximum fine of two hundred dollars (\$200) for each offense.~~

38 ~~(l) This section shall not affect any rights that the parties may~~
39 ~~have under any other provision of law because of the presence or~~
40 ~~absence of a smoke detector.~~

1 ~~(m) This section shall not apply to the installation of smoke~~
2 ~~detectors in single-family dwellings or factory-built housing that~~
3 ~~is regulated by Section 13113.8.~~

4 SEC. 2. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.